

Remarks

Claims 1-16 are pending in the application.

Claims 1, 5, 11 and 13 are rejected under 35 U.S.C. §112, ¶2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-8 and 10-15 are rejected under 35 U.S.C. §102(e) as being anticipated by Haddock et al. (Haddock) U.S. Patent No. 6,104,700.

Applicants note that the Examiner has failed to address claim 9 in the rejection.

Claim 16 is allowed.

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Entry of this Amendment is proper under 37 CFR 1.116 since the amendment: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) satisfies a requirement of form asserted in the previous Office Action; (d) does not present any additional claims without canceling a corresponding number of finally rejected claims; or (e) places the application in better form for appeal, should an appeal be necessary. The amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Entry of the amendment is thus respectfully requested.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly

made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewriting to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

Rejection Under 35 U.S.C. 112, Second Paragraph

Claims 1, 5, 11 and 13

Claims 1, 5, 11 and 13 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection is traversed.

Applicants have herein amended claims 1 and 11 to remove the word "corresponding" from the claim.

Applicants have herein amended claims 5 and 13 to clarify that the header packet is used to determine a destination address to which the arrived packet is to be forwarded.

As such, claims 1, 5, 11 and 13 are allowable under 35 U.S.C. §112. Therefore, the rejection should be withdrawn.

Rejection Under 35 U.S.C. 102

Claims 1-8 and 10-15

Claims 1-8 and 10-15 are rejected under 35 U.S.C. §102(e) as being anticipated by Haddock. The rejection is traversed.

In general, Haddock discloses a policy-based mechanism for managing, monitoring, and prioritizing traffic within a network and allocating bandwidth to achieve quality of service. (Haddock, Abstract).

Haddock, however, fails to teach or suggest each and every element of the claimed invention, as arranged in independent claim 1. Namely, Haddock is devoid of any teaching or suggestion of at least the limitation of “means for extracting routing information from said header of said arrived packet and generating a header packet for said arrived packet, wherein said header packet includes said extracted routing information,” as claimed in Applicants’ claim 1. Similarly, Haddock is devoid of any teaching or suggestion of at least the limitation of “extracting routing information from said header of said arrived packet and generating a header packet for said arrived packet, wherein said header packet includes said extracted routing information,” as claimed in Applicants’ claim 11.

Rather, Haddock merely discloses use of header information that is within a packet. Haddock is devoid of any teaching or suggestion of generating a header packet, much less generating a header packet using routing information extracted from the header of an arrived packet, as claimed in Applicants’ claim 11. In other words, the use of header information in a header of a packet, as disclosed in Haddock, is not generation of a header packet that includes routing information extracted from the header of a packet, as claimed in Applicants’ claims.

In the Office Action, the Examiner cites specific portions of Haddock (Col. 4, Lines 10 – 45), asserting that the cited portions of Haddock teach Applicants’

limitation of generating a header packet and associated means for generating a header packet. (Office Action, Pg. 3). Applicants respectfully disagree. Applicants respectfully submit that the cited portions of Haddock are devoid of any teaching or suggestion of generating a header packet or means for generating a header packet. Rather, the cited portions of Haddock merely describe use of information included within the header of a packet to perform different functions.

More specifically, the portion of Haddock cited by the Examiner (Col. 4, Lines 10 – 45) states that a switch “forwards a packet received at an input port to an output port by performing a search on the forwarding database using address information contained within the header of the received packet.” (Haddock, Col. 4, Lines 39 – 42, Emphasis added). In other words, the cited portion of Haddock merely discloses use of information in the header of a packet in order to determine how to route the packet through the switch. The cited portion of Haddock is devoid of any teaching or suggestion of generating a header packet, much less generating a header packet using routing information extracted from the header of an arrived packet, as claimed in Applicants’ claims.

A header of a received packet, as disclosed in Haddock, does not teach or suggest header packet that is generated for a received packet using routing information extracted from the header of the arrived packet, as claimed in Applicants’ claims 1 and 11. As such, the cited portion of Haddock fails to teach or suggest the limitation of “means for extracting routing information from said header of an arrived packet and generating a header packet for said arrived packet, wherein said header packet includes said extracted routing information,” as claimed in Applicants’ claim 1, and also fails to teach or suggest the limitation of “extracting routing information from said header of said arrived packet and generating a header packet for said arrived packet, wherein said header packet includes said extracted routing information,” as claimed in Applicants’ claim 11.

Furthermore, Applicants respectfully note that, in the Response to Arguments section of the Office Action, the Examiner fails to address the portion of the limitation which states “generating a header packet for said arrived packet, wherein said header packet includes said extracted routing information.” Instead,

the Examiner maintains his position that the previous claim language of “a corresponding header packet” is unclear. The Examiner has failed to provide any additional explanation in support of the assertion that Haddock discloses generation of a header packet.

As such, Haddock fails to disclose each and every element of the claimed invention, as arranged in independent claims 1 and 11. Therefore claims 1 and 11 are allowable over Haddock under 35 U.S.C. §102(e).

As such, claims 1 and 11 are allowable under 35 U.S.C. §102. Furthermore, since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Haddock under 35 U.S.C. §102.

Therefore, claims 1-8 and 10-15 are not anticipated by Haddock and are allowable under 35 U.S.C. §102(e). As such, the rejection should be withdrawn.

Allowed Claims

Applicants thank the Examiner for the allowance of claim 16.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Michael Bentley or Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

Dated: _____

4/30/08

E. Wall

Eamon J. Wall
Registration No. 39,414
Attorney for Applicants

PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808